

National Forest Advisory Board Meeting

May 20, 2015

Mystic Ranger District

Members Present:

Chairman Dick Brown, David Hague, Danielle Wiebers, Lauris Tysdal, Nancy Trautman, Linda Tokarczyk, Mary Zimmerman, Tony Leif, Alice Allen, Lon Carrier, David Brenneisen, John Gomez, Craig Tieszen, Keith Haiar

Members Absent:

Bob Burns, Susan Johnson, Jeanne Whalen, Wayne Bunge, Mike Verchio, Jennifer Hinkhouse, Jessica Crowder

Forest Service Representatives:

Craig Bobzien, Jerry Krueger, Scott Jacobson, Beth Doten, Twila Morris, Steve Hirtzel, Mark Rumble, Dave Mertz

Others:

Approximately ten members of the public were in attendance. Three Congressional Representatives were also in attendance; Kyle Holt (Noem – R, South Dakota), Mark Haugen (Thune – R, South Dakota), and Katie Murray (Rounds – R, South Dakota).

Introduction & Welcome:

Brown: Call the meeting to order, 1:00 p.m. Welcome to our May 20th National Forest Advisory Board (NFAB) meeting.

Bobzien: It's great to see everyone today; welcome to our guests, thank you for signing in. If there is an emergency, our exits are marked on both sides of this conference room.

Approve the Agenda:

Brown: Our next piece of business is to approve the agenda. If there are no changes to the agenda as it is set before you, could I have a motion to adopt the agenda for today's meeting? Motion made by Lauris Tysdal, second by Tony Leif. Are there any other questions or comments regarding the agenda? All in favor say aye, opposed say no; the agenda is approved.

Approve the April Meeting Notes:

Brown: Next we'll approve the minutes of the April 15th NFAB meeting. The notes were reviewed, edited and resent to all; are there any other suggested changes or corrections? Seeing none, can I have a motion to adopt the minutes as presented? Motion made by Alice Allen second by Lon Carrier. Are there any other comments? Seeing none; all in favor say aye, opposed say no; the meeting notes are approved.

Housekeeping:

Brown: Supervisor Bobzien, anything to add?

Bobzien: No.

Meeting Protocols:

Brown: If you have a cell phone, please put it on airplane mode. We want to invite all members and alternates to be at the table. I would like to remind the group, the public, we are glad you are here, we have an opportunity if time allows to make comments at the end of the agenda, if not, the conversation should take place with the appropriate representative. If there is time, we'll give you three minutes to make your comment. We are an advisory group, reporting to the Supervisor who then reports back to the Secretary on a broad base of Black Hills National Forest (BHNF) policy, and input. As a member of the public we have a number of task forces that will give an update today as well as topics that Supervisor Bobzien will be covering. We are thankful that you are here.

Brown: We'll now turn it over to Dave Thom who is the Coordinator of the Black Hills Regional Mountain Pine Beetle (MPB) Working Group (that was commissioned by the "Conservation Leaders". This is a very important topic that has been ongoing for several years and has received recognition locally. Welcome Dave.

Thom: Thank you Mr. Chairman. It is my pleasure to introduce Dennie Mann, the Executive Director of the Black Hills Resource Conservation and Development Association. The Black Hills RC&D does the administrative work in tracking revenues and expenses for the MPBWG. The collaborative MPBWG is one of several natural resource projects that RC&D coordinates in the Black Hills.

Mann: Good to be here today, thank you. RC&D councils have been around for 50 years, and we have seven (7) RC&Ds in the state of South Dakota. I would like to present the Black Hills Regional Mountain Pine Beetle Working Group with the *SD Association of RC&D Council's "Outstanding Project Award for 2014"* for its collaborative work in addressing the MPB epidemic. This award is for the best project in the state. There has been a great partnership within this Working Group: State, County, Federal, private industry and landowners to mention a few. You (the MPBWG) have put together a partnership like none other I have ever seen. And we are happy to present this award to the BHRMPB Working Group.

Thom: Members of the MPB Working Group and others who have contributed who are here today: Nancy Trautman, Scott Jacobson, Beth Doten, Dave Mertz, Ben Wudtke, Dave Brenneisen, and John Gomez.

There are 14 entities involved in the MPB Working Group in both South Dakota and Wyoming. The Forest Service tends to represent the Park Service; the NRCS has been actively engaged as well. As an example of the work we do, the Working Group had our meeting here in this office this morning and talked about plans for Fiscal Year 2016. We received \$750,000 from the State of South Dakota and Governor Dugaard, and we appreciate that. The State of Wyoming and Governor Meade has been very generous as well. We appreciate the money that the States give to the MPB effort, and our group is working to determine how to spend that money. The last

person I want to acknowledge is Greg Josten, South Dakota State Forester who just walked into the room.

Mann: Again, thank you very much for your dedication and cooperation for this important project; you are a well deserving group for this award.

Josten: I would like to say that we appreciate all of the cooperative efforts that we've received from the various agencies, private land owners, industry and others who have worked so hard on this project. By working together we've been able to make a difference. We haven't been able to stop it, but we've made a difference and that is the important part; thank you.

Brown: Supervisor Bobzien, do you have anything you would like to add?

Bobzien: I would like to thank Dennie, Dave and Greg for their work and dedication. We had some short videos and talked about telling the story and about what occurs with the MPB. So like Lauris said last month "what are we going to do next"? As we speak, we have SD Public Broadcasting here engaging with folks across the Forest, telling our story. It's about planning and results on the ground making our forest resilient to beetles and wildfire. In today's agenda we'll get into how we manage for wildfire for today and the future. Our charge is to care for the land and resources.

Brown: Are there any other comments or observations?

Thom: One more thing, I forgot to acknowledge Linda Tokarczyk for her work with the MPB Working Group; and the company she represents has been a financial supporter as well, thank you Linda.

Brown: I would like to thank the National Forest Advisory Board (NFAB) for the role you have played, and the difference you have made in the MPB issue. The work of the NFAB is heard at the USDA Secretary level in DC. The difference we can make is critical, and we are enjoying a good partnership at many levels; and a little more money never hurts on any problem when you're trying to solve one! Thank you Dave Thom, we have a nice success story to tell.

Let's move on now to our Hot Topics.

Hot Topics

Legislative Updates - Federal

Brown: Next up, we'll move to legislative updates; first will go with Mark Haugen with Senator Thune's office.

Haugen: I would like to introduce our intern for the summer, Dani Kerr. Dani is a Saint Thomas Moore graduate and a University of Lincoln graduate. She is currently working on her master's degree. We're glad to have her here for the summer.

Lots going on last of this 6-week session, but I just want to hit on two:

NORTHERN LONG EARED BATS:

As I mentioned before, Senator Thune introduced a bill to prohibit the use of funds by Secretary of Interior to make a final determination on the listing. The chairmen of the Environment and Public Works Committee, Sen. Inhofe, and the chair of the House committee have taken a lot of interest in it. As such, Inhofe invited Senator Thune to testify before the committee a couple weeks ago regarding his bill.

The most significant part of that is that Dan Ashe, the Director of US F&W was sitting at the table, so the Senator was able to address him directly. Chairman Inhofe is very interested in reforming the Endangered Species Act as much as can. One of the reforms he and the committee's general counsel seem most interested in is stopping a listing due to disease as a major cause.

PRESCRIBED FIRE BILL:

Want to make it clear, especially here, that this was not predicated by anything the BBNF has done; in fact, the Senator wishes other forests and other agencies managed their fire program as responsibly as the BBNF Rangers do. We saw presentation couple meetings ago on that.

This is also not something that the Senator just rolled out of bed one day and decided to do. We've been looking into some reforms since over two years ago in response to the Poudre fire by Lemmon; also the Belle Fourche fire at Devil's Tower; and then the Wind Cave fire just happened to fall on about the two year anniversary and provoked a public outcry that pushed efforts into fast track.

Still getting people calling into the office and stopping by with info. For example, a guy brought in a report regarding Wind Cave fire, an UTV with a driver and passenger rolled fighting the wildfire. They weren't injured but the vehicle was immediately overrun by the wildfire and declared a total loss. Haven't seen that reported. Appears very fortunate two people weren't injured/killed had they broken a leg or back and been unable to outrun the fire.

The current bill looks very little like the bill we started with. We got the opinion of numerous people; County emergency managers, RCFD, VFDs, forestry folks, attorneys, and agency people, etc. It does two things: **MAKES FEDS LIABLE:** Currently not. You start it, you pay for it. Just like you and me. They have to abide by the same rules as the public they serve. **PROVIDES A LITTLE LOCAL CONTROL:** There are five fire danger levels: low, moderate, high, very high and extreme; this only affects top two danger levels in the forest. With Very High and Extreme rating, would need to get local signoff. That could be a county commission, could be a person they designate, like an emergency manager or fire chief.

The bill is still a work in progress, still taking input. If it gets to mark-up in committee, that's what they do, make changes, clarifications. If it does become law, then the agencies write their rules and regulations to fit within congressional intent. One of the things we looked at was County Burn bans. But found term is different across country. Another thing we looked at, and then USFS came back to us with as well, is an old law that allows the Secretary of Ag to award damages up to \$5,000; suggested maybe moving that cap up to 20k or 50k; avoiding tort process.

If nothing else, if this goes no-where, it accomplished one thing, and that is to get attention on the issue. Senator dropped his bill three weeks ago and two hours later, USFS in DC called and wanted to meet regarding prescribed burns.

Tysdal: In this bill, the way you have it now, does that go back in history?

Haugen: No, it will be from this point forward, it doesn't help the folks that have been damaged already.

Tysdal: Where the Forest Service comes in and takes over a fire, at that point they go and burn out private land, is that in the bill, will that be addressed?

Haugen: It's only about prescribed burns that get beyond the prescription.

Tysdal: Just prescribed burns.

Haugen: Yes, if it were to pass it's up to the Agencies to write the rules of intent to go along with it, and they know how to get ahold of the Senator if there are any questions about the intent.

Brown: Thank you Mark, are there any other questions or comments for Mark? If not, we'll move on to Katie Murray with Senator Rounds' office.

Murray: Good afternoon, thank you Mr. Chairman.

Last Week

Cosponsored the Affordable Reliable Energy Now Act (ARENA)

- A bipartisan bill that would provide reliable and affordable energy, put jobs and our economy first and curb federal overreach of the EPA and the President's "Clean Power Plant" which, as proposed, would result in higher electricity rates, fewer jobs and uncertainty surrounding the reliability of the electric grid – with little environmental benefit.

National Defense Authorization Act (NDAA)

- Passed out of Senate Armed Services Committee with bipartisan support.
- Include Rounds' bills to protect B-1 & other long range bombers from premature retirement and improve the health care of our service members by streamlining the process of enrolling in Tricare.

Tuesday, Senator Rounds questioned witnesses on the EPA's misguided methodology used in the Waters of the US rulemaking process.

- With reports surfacing just this week about EPA manufacturing support for WOTUS, it is as important as ever to question the validity of their approach and intent."
- Last month, Rounds joined his colleagues in introducing the Federal Water Quality Protection Act, to curb the effects of WOTUS, while protect traditional navigable waters. A final rule is expected this week.

Wednesday morning Senator Rounds chaired a subcommittee hearing about Oversight of the Scientific Advisory Panels and Processes at the Environmental Protection Agency

- Focused on concerns that the EPA is carrying out the Administration's political agenda through regulations with questionable science supporting them.

- For example, 21 of the 25 panelists had their own work cited by the EPA, without recusing themselves. Science should be independent and have outside sources.
- The proposed Science Advisory Board Reform Act would allow for more public participation, accountability and transparency.

Maiden speech

RESTORE Resolution – Regulation Sensibility through Oversight Restoration

- RESTORE would establish a Joint Select Committee to conduct a comprehensive review of rules enacted by federal agencies and analyze the feasibility and options for creating a permanent rules review process in congress.
- With more than 1 million federal regulations on the books, it's time to take an orderly approach to addressing our overregulation problem.
- **The cost of federal regulations last year was nearly \$2 trillion, far more than Americans paid in federal income taxes, which amounted to \$1.4 trillion.**
- These rules and regulations are being made by unelected, unaccountable bureaucrats at the highest level of government, often behind closed doors.
- **It's regulation without representation.**
- If the American people don't like the legislation Congress passes, we can vote them out, unfortunately we don't have this option with the rules being created by regulators.
- RESTORE seeks to reinstate the people's role in the rulemaking process – through their elected representatives, by creating a Joint Committee of both House and Senate members.
- This committee would hold hearings on the effects of current rules and look for ways to reduce, eliminate or sunset unnecessary and outdated ones.
- This is not a new concept.
- Currently, 41 of 50 states have some sort of rules review process, including South Dakota.
- **RESTORE offers a permanent solution to overregulation in America and restores the representative democracy our founders envisioned.**
- **Impressive task he has taken up** – Bipartisan Support (5 cosponsors – Thune, Hoeven, Manchin and two others).

Brown: Are there any questions or comments for Katie?

Unidentified: Can you give us an update on the status of the Sportsman's Act of 2015?

Murray: There was an EPW Committee hearing on it, it hasn't been marked up and brought to the floor yet.

Brown: Thank you Katie. If there are no further questions for Katie, we'll move on to Kyle Holt with Representative Noem's office.

Holt: On the House side, Regulatory Integrity Protection Act of 2015 (HR 1732)

- passed the House last week
- prevents Waters of The US regulatory rule from moving forward

Highway Funding Bill

- spending authority runs out end of this week
 - authority will be extended for two months
- currently working on a long term bill
 - gas tax increase often suggested, many opposed

Sunday Kristi was in the Black Hills to give the commencement address to the Hill City High School class of 2015. The Hill City School is the only School with the honor of graduating at Mount Rushmore. There were 34 students that graduated.

Brown: Thank you Kyle, we appreciate you being here. Are there any comments or questions for Kyle? If not, we'll move on to the State of Wyoming. Commissioner Whalen is not here today; is there anyone here that could represent Wyoming; Legislative side or local? If not, we'll go to an update from Senator Tieszen. Welcome back Senator Craig Tieszen; Mr. Tieszen has been off in the legislature and accomplished some great things.

Tieszen: Thank you Mr. Chairman. First off, I would like to say congratulations to the MPB Working Group. As I've said before, there has always been strong support in the legislature for MPB work. That is remarkable because legislatures that live a long way from the BH understand that the Black Hills is a SD treasure and they are very willing to step forward and offer help. Of all the sessions that took place, and all of our efforts to come up with the dollars necessary, the question I was always asked was how is the money for the MPB effort being spent; is it a cooperative effort, are they working together, are things getting done. Thanks to the Working Group we can answer in the affirmative. The Working Group has done a very good job of working together, and there wouldn't be the same kind of support from the State if it weren't for the Working Group. There is still work ahead, so we are grateful that we are given information about how affective the work can be and what is getting done. Thank you for your help.

We are adjourned now and getting ready for the summer study work. There is nothing that has to do with this Group in the summer studies this year. We'll be studying education funding, the South Dakota Activities Association, and funding of Counties. I'll be serving on the first two committees. If you're thinking ahead, a year from now we'll face elections again.

Brown: Thank you Senator; are there any comments or question? Thank you for your great service, and welcome back. I would just like to add that the Wyoming Legislature and the Governor have been very helpful and supportive in the MPB issue. With that, I'll turn it over to Deputy Forest Supervisor Jerry Krueger.

Forest Service Hot Topics ~ Craig Bobzien & Jerry Krueger

Facilities Update

Krueger: There is a focus in the Forest Service right now on facilities, controlling lease costs, and where we are affectively using the funds we have to lease vs. own. The Black Hills has primarily owned facilities that we operate, like this one we are sitting in; we have two leased facilities. The Rocky Mountain Region, Region 2, is currently going thru an in-depth analysis on how we can control our lease costs going forward. Many Forests have gone forward to own vs. lease as a means to hold down costs. Our leased facilities are the Bearlodge Ranger District

office in Sundance Wyoming, and the Hell Canyon Ranger District office in Newcastle Wyoming; both of those facilities are up for renewal for lease. We have done an in depth analysis to examine the lease costs, and we've made our recommendation to use funds to purchase and/or build new facilities so that we can control the long term costs and maintain an asset. We are waiting for word from the Regional Office when they finish their analysis.

Bobzien: We have a lot of business people here; our forecast is that lease costs will double or triple. Our other interest is in being sustainable and reducing our foot print; it's a way to reduce overhead as well. There are more people working out of the home, or from other virtual locations than ever before. The bigger why is to reduce and keep our overhead cost down. We still want to provide a safe place for our employees and the public. It's a longer term effort and we hope to finish in the next year.

Spearfish Livestock Association

Bobzien: How many of you were on the field trip last August? Be thinking about the field trip this year, things that are important to you. What is important about that high show of hands is that Keith and others were there sponsoring a topic on grazing. Tony Leif represents the State of SD directing the wildlife operations. We have game, and permitted livestock grazing on the BHNF, so I want to bring this next subject up.

As you may recall the State of SD came forward to relook at the Elk Management Plan, similar to our Veg Management Plan. They invited the US Forest Service to be a part of the stake holder group. This is pretty routine in that the USFS manages the habitat and the States manage the game numbers, fish numbers, populations, etc. We have Memorandums of Understandings (MOUs) that have been in place since 1985.

We received a number of letters questioning the SD Plan and our involvement in that. I have some letters in response to those, so for just an update first and I want to open the topic up to the Board. We had three or four letters on this. The questions that were asked include; what is the Federal role in this? I wanted to explain that, how we manage the habitat and we would ask the Board for input on that, but again the State has the ability to establish regulations for populations.

We were invited and had an appointed member on the initiative, Kerry Burns, our Forest Wildlife Biologist. In this case the State of SD was proposing an increase based on the forage in the Jasper fire area. We thought that their data was an accurate use of our information.

The other part is we welcomed the opportunity as Board members to do joint monitoring; we are a multiple use forest, so when people bring concerns to us, it's in the purview of the Board; we would encourage and invite people to participate.

IN the SD Plan, it talks about what happens if we get into a drought situation. It becomes very difficult in that situation. Water is in short supply, animals are competing for that forage, and there are ways to accommodate for that situation too.

We respect the Spearfish Livestock Association for calling us out, and I gave you a copy of how we responded to their concerns. It's a matter of public interest. These plans are adaptive over time; we make adjustments based on the current situation.

Brown: Could the Forest provide each of the Board members with a copy of the original letter from the Spearfish Livestock Association, so that we might understand what your response is?

Are there any other questions or observations on this topic?

Leif: Thank you Mr. Chairman. Supervisor Bobzien did an excellent job of giving the background. I would just like to add a couple of things.

Supervisor Bobzien made mention of the Advisory Group/Stake Holder Group, they have a strong interest in this issue, it was a great group to work with despite differing opinions, and they did a good job of collaborating. Certainly had a lot of input on where the Plan would go. The Plan was adopted at the GF&P meeting in April, but only after the opportunity for public input was extended. The Commission heard testimony on the Plan, and they again asked us to delay action to do some further amendments to the Plan.

There is an increase in the elk population compared to what we have been managing for, that increase is not going to happen immediately. We don't want an increase in the elk population to be a dramatic jump; yes it is 7,000 but the Management Plan asks for 6,000 to 8,000 thousand, and we will substantially increase the number of cow tags to slow the growth of the population.

Supervisor Bobzien mentioned a plan for us to be able to implement changes if range conditions warrant that. A drought would cause an increase in the harvest of the cow population. This portion of the plan was met with resistant from the hunting population, but this allows the Department to react to the conditions

Although the number itself was not supported by everyone at the table, with some of the additional measures at the table – there was enhanced acceptance, but not full acceptance.

The increase in forage that we were able to calculate is not something that may be there in the long term. This is a short term Management Plan that would coincide with the short term projections. There are other elements that don't pertain to the FS, and other elements that help us to attempt to manage the elk in balance with other uses.

Brown: Thank you Tony, are there any comments or questions for Tony?

Haiar: I was not a part of the Spearfish Livestock Association letter. I would like to clarify a couple of things. Does the Black Hills National Forest agree with the SD GF&P that over the short term there will be an additional increase in forage?

Bobzien: We reviewed their calculations and concluded that they used the model properly.

Haiar: I appreciate that they do good math, but the assumptions that go into that; the basal area etc., the FS agrees that their assumptions are correct?

Bobzien: We recognize that those are temporary numbers.

Haiar: We understand that is a temporary category that divides the forage between livestock and wildlife use, but we haven't heard of any additional livestock AUMs being added, how do we get that conversation started?

Bobzien: We have a number of outstanding requests for review and we have to take them allotment by allotment, using long term monitoring results. It could come Forest wide, but we have to look allotment by allotment, they're managed differently – need to look at specific sites.

Haiar: That sounds good if where the additional forage would occur; those allotments could see increases in the AUMs.

Bobzien: That could potentially happen. Forage is one condition, another thing is the condition of stream banks; there are several things to consider.

Haiar: Regarding the memorandum of understanding you mentioned; can you clarify whether or not the Forest Plan or the objectives therein, are superseded by the MOU with another Agency?

Bobzien: The Standards in the Forest Plan are the “must be met” items. If those are changed those go through a Forest Plan amendment process.

Brown: I want to state for the record that Keith was not involved with the Spearfish Livestock Association letter.

Tysdal: I would also like everyone on the Board to have a copy of the letter from the Spearfish Livestock Association.

Brown: Unless there's a reason for that not to happen, it's just good for the background.

Bobzien: Part of the reason we share a letter with my response, is because that's from the Government. When we have letters from SD Stock Growers, or other private entities, we don't just send out those letters; we'll check under the FOIA regulations, but that's why we didn't send those today, in respect for the individuals that wrote the letters.

Brown: If the other Associations would like they could share it directly; however we can expedite the process.

Tysdal: Tony do you know what the State Law is concerning why the Game, Fish and Parks were created and the purpose of it?

Leif: I don't know the terminology exactly, but the Department was created manage and support the States wildlife and outdoor resources, and outdoor recreation. I don't know if there's a specific reference that talks about balancing the issues; but it is a Department goal, and that's why we worked with all partners to get everyone involved in the Plan.

Tysdal: The Wyoming State law goes back to patrolling and controlling; there was abuse of it; there's no talk of elk herds or recreation.

I just believe you are planning for too many elk; you'll get bangs and wasting disease, and that's the same thing as mad cow disease. If you look at Yellowstone, they have too many elk, and then you have to have wolves and then the hunters are out of the picture. You are talking about taking more private land for the elk; no one called me to see if I would divvy up my private land to support the additional elk. It's like the snowmobile trails, it's giving of private land for the

use of people. Shouldn't the elk be permitted just like cows, and then you go back to your Management Plan and determine how many you want. If you really don't want the cows on the Forest just say it.

It gets old fighting a battle you can't win. This spring we faced a drought, and I knew what would happen, we wouldn't be allowed to turn out, that's changed now because of the moisture of course, but I figured we wouldn't get to turn out, but you turned out. Are you going to fence the private land? This morning there was an elk in the draw, they come down for a drink, so it involves a lot of us, and we deserve some respect. It's like Obama Care, you can have this, and that, but the reality is we're being forced off the Forest.

Brown: Thank you for your comments Lauris, are there any other questions or comments?

Gomez: Tony, you referenced 7,000 elk, is that the target production or what we are currently at?

Leif: Right now I estimate our hills wide estimate to be 6,000 animals. If you back calculate based on where we are now, we have good estimates of survival; we were at that level in the mid-2000s. We didn't perceive it to be that level, but our reference point is a survey done two years ago; we flew the whole forest and counted every animal we say, and it was 5,000 animals.

Brown: Questions?

Allen: Tony I'm curious in response to Lauris' comments, what is in the Elk Management Plan to compensate the private landowners – could you recap please?

Leif: Being a landowner themselves is a benefit based on licensing; there are some that do not care about that because they are not hunters. On the private lands we have a couple of programs. One is to put cabling on top of fences, because elk can be hard on fences. The biggest program is where we compensate landowners for the food provided within their hay fields. This is not payment for damages; we essentially lease a portion of the field for elk grazing. Also, two years ago, there was a bill passed to double the amount of money raised when people apply for a licenses, and that is the money we are putting back in to the private landowners.

Brown: I want to clarify that we are referencing the South Dakota Game, Fish and Parks regulatory actions, and not any Wyoming action that exists; just the South Dakota side of the BHNF.

Brenneisen: As we try to keep pace with the changes that are occurring with the MPB, it would be helpful for the State or FS to share the field data that projects the increase in forage.

Leif: I don't believe the raw data is there, but the calculations are in the Elk Management Plan. There is at least a fairly comprehensive review in the Plan.

Brenneisen: Was there field data gathered to monitor or investigate the change of cover type?

Leif: Yes there was, I would have to dig to find the specific answer for you.

Haiar: Tony can you tell me what the target elk population is, in SD?

Leif: What numbers you are speaking to: there is a reference to 4500 elk allocation for forage.

Haiar: Would that be a total for South Dakota?

Leif: For the property owned by the FS.

Haiar: That's not the number the G&F has been managing for, correct?

Leif: To be honest with you, before this plan there was no target population.

Brown: Are there any final questions or comments on this topic? Seeing no other questions, we'll hand it over to Supervisor Bobzien to close it out.

Bobzien: I would like to thank the Board members, some directly wrote letters, some have worked with other constituents; it's an opportunity for the States to see what the primary responsibilities are. So many actions that we do are connected, MPB, fire, livestock, wildlife, it affects all, so having this discussion among the Board is helpful. I'll advocate for some of the monitoring and maybe in the field trip, we'll look at that because it is about working together.

Brown: If you'll check on their permission to release the letters, we would appreciate that, thank you. It's now 2:25; let's take a 10 minute break.

Regular Agenda

Northern Long Eared Bat Listing Update ~ Steve Hirtzel

Brown: We will start with the regular agenda.

Bobzien: I'd like to welcome Steve Hirtzel, Fisheries Biologist on the Forest. Steve is going to provide an update on the Northern Long Eared Bat (NLEB).

Hirtzel: I'll talk briefly about the listing status and where we are at with the consultation status.

Listing Status

- Threatened status became effective May 4
- Interim 4(d) rule is open for public comment thru July 1st

Consultation Status

- April 16 letter from the U.S. Fish and Wildlife Service; they determined that the Programmatic Biological Assessment we submitted in late-March is adequate
- Their acceptance starts the timeline for formal consultation (135 days; 90 days for FWS to prepare a Biological Opinion, 45 days for the Forest Service to review and FWS to finalize).
- Formal Consultation timeline is backdated to when FWS received the Programmatic Biological Assessment (March 26).
- Per the FWS letter, formal consultation on the Forest Plan (and most ongoing projects) should be concluded on or before August 13.

Brenneisen: You mentioned that the comment period on the 4D rule is open. Will the Black Hills National Forest be submitting comments?

Hirtzel: Any response will likely be an Agency response out of the Washington Office. It hasn't been decided at this time if the Black Hills National Forest will provide any additional input.

Brenneisen: We are in a better situation than we might have been because white nose syndrome isn't present here. What is the Forest doing to safeguard the Forest from white nose syndrome?

Hirtzel: A lot of the management goes back to the white nose syndrome decision. There was a cave closure order that was part of this decision. We've taken initiative by closing caves; that decision does not address the bat to bat transmission of WNS, but instead human to bat.

Brenneisen: Are the caves closed completely to the public?

Hirtzel: There is some summer time use allowed. The public needs to register online and follow decontamination protocols. There are some physical closures (gates) at mines/caves that might serve as hibernacula.

Brenneisen: Since the listing of the bat, has there been any discussion about tightening the restrictions?

Hirtzel: The primary reason the bat is listed is due to white nose syndrome, therefore it makes sense to focus on this as the primary threat to the bat. There are opportunities to further implement the Cave/WNS Adaptive Management Decision and to coordinate/collaborate with other partners, there can be issues of funding, and the question is what more should be done?

Allen: Steve, do you have an address that we can comment to?

Hirtzel: I don't have that address with me, but it is in the Interim 4(d) rule. That address should be on the internet and should be easily findable. From the forest perspective, there is the option for the public to comment via e-mail, which is something the Forest Service would not do.

Brown: If the Forest Service decides that they need to respond to Fish and Wildlife Services, I think it would be helpful of adding a reference to the letter that we put together. If whatever reason you are re-communicating, it would be nice to remind them that we have a group on the board. It would be helpful for the board if this stays high profile. Are there any other observations? If none we will start the next topic.

Black Backed Woodpecker Update ~ Mark Rumble, Rocky Mountain Research

Brown: I'll turn it over to Forest Supervisor Craig Bobzien to introduce the next presenter.

Bobzien: Mark Rumble works for the Rocky Mountain Research Center. The topic of interest is on black backed woodpeckers. (BBW) Mark is an expert on black backed woodpeckers and well respected within his profession. It's a sensitive nature and we have a responsibility for viability of species. This particular species is one that has been petitioned by a private group for listing. They negotiated some settlement dates and they are working on whether this species should be listed. We are very mindful and we are responsible to manage habitat. Some of the

research he does for us is for managing for black backed woodpeckers and other species over time.

Mark Rumble: Craig asked if I could give a status update on what we do know about black backed woodpeckers in the Black Hills.

PowerPoint: Status of Knowledge: Black-backed woodpeckers in the Black Hills ~ Mark Rumble

The scientists

- Dr. Mark Rumble, Rock Mountain Research Station, Research Wildlife – habitat
- Dr. Josh Millspaugh, University of Missouri, Professor
- Sean Mohren, University of Wyoming, MS
- Dr. Kerri Vierling, South Dakota School of Mines
- Tom Bonnot, University of Missouri, MS
- Jennifer Pierson (Wolfe), University of Montana PhD
- Dr. Mike Schwartz, Rocky Mountain Research Station, Research Ecologist – genetics
- Chris Rota, University of Missouri, PhD
- Elizabeth Matsuer, University of Missouri, MS

Black-backed woodpeckers

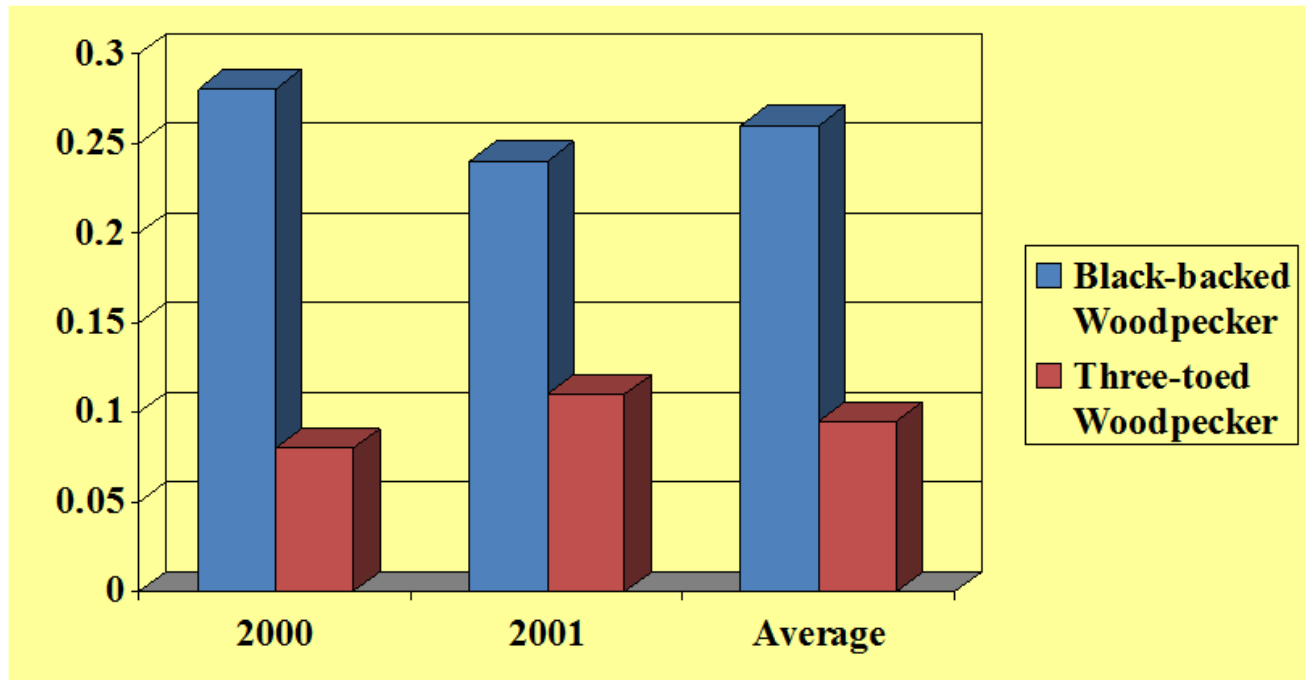
- Occur in low numbers across range
- Usually associated with post-fire habitat – considered a post-fire obligate
- U.S. Forest Service, Region 2 Sensitive Species
- Black Hill National Forest Management Indicator Species

Time Line

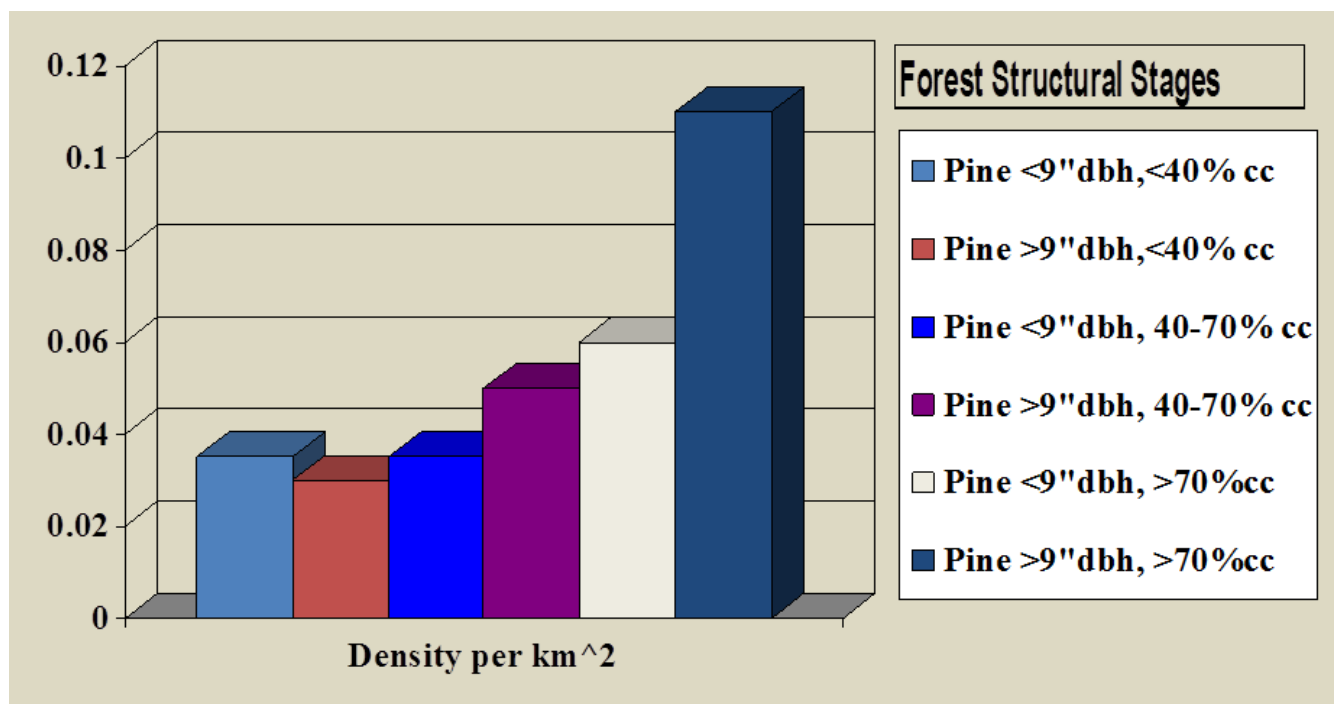
- 1996 Forest Plan – Black-backed woodpecker - Management Indicator Species
 - Need for information on habitat relationships for assessing effects of management
 - Research on population estimate and habitat
- 1996 MPB outbreak & 2000 Jasper Fire
 - Research to estimate nest density in these areas
- 2004 Research to estimate association of BBWPs and MPB infestations
 - The extent of BBWPs nesting in MPB infestations?
 - Factors influence selection of nest sites?
 - Scales of nest site selection
- 2004-2007 Research to evaluate genetic diversity of Black-backed woodpeckers
- 2007 Box Elder fire, Four-mile fire, prescribed fires, and MPB infestations
 - Research to estimate population parameters, habitat selection, spatial use, and movements
- 2012 Petition to list Black-backed woodpeckers as Distinct Population Segment
 - ? how many are in Black Hills and how many do their need to be
- 2014 Population estimate following period of low forest disturbance
 - Published the 2000 – 2001 data from Mohren
- 2015 Population estimate following period of extensive forest disturbance
 - Population estimate to facilitate the decision by USFWS
- Next ? Put it all together -- Habitat Specific Population Viability Analysis

1996 Forest Plan – Black-backed woodpeckers identified as Management Indicator Species

Need for information on habitat relationships for assessing effects of management
Population estimate and habitat



Habitat

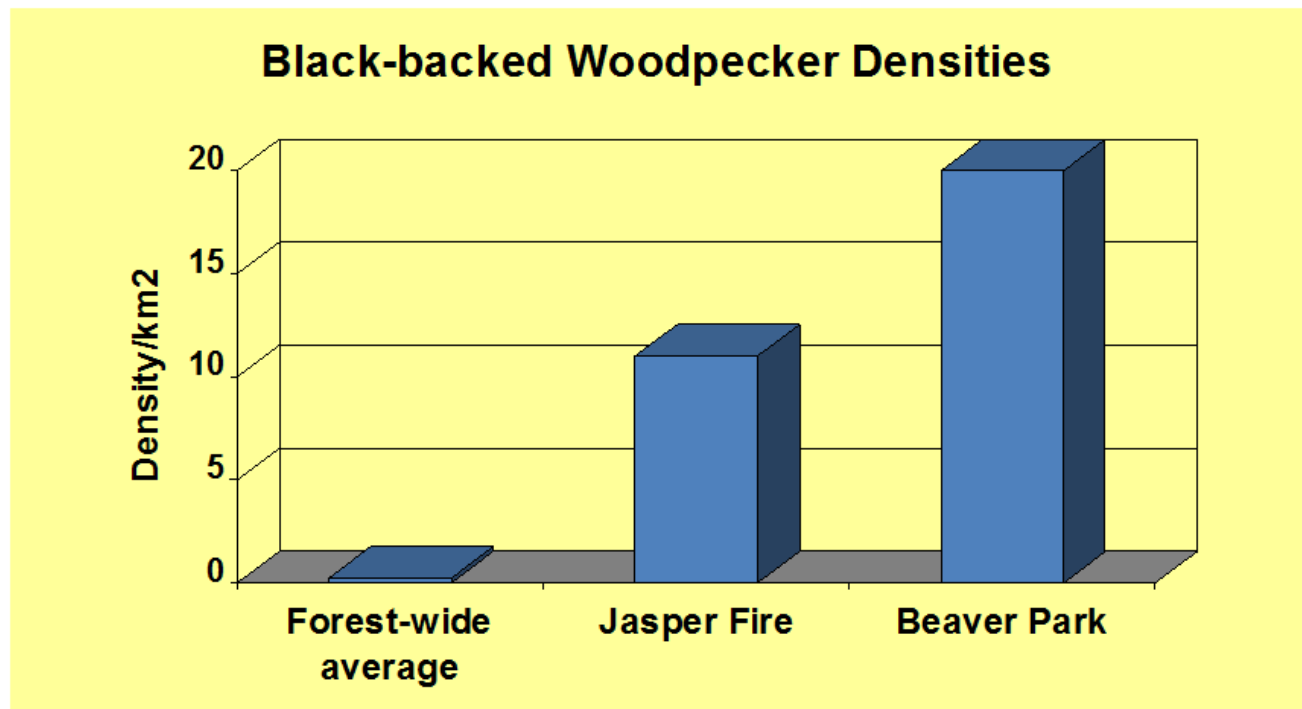


Number of Black-backed woodpeckers in the Jasper Fire

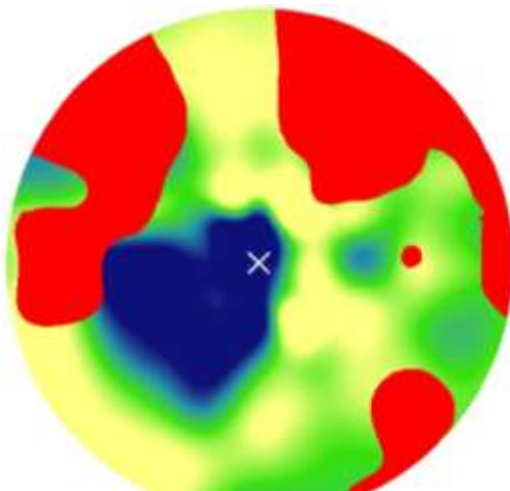
Site	2001	2002	2003
Suitable	0	6	3
Marginal	0	5	1
Random	0	1	0

Fire was late summer 2000

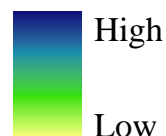
1996 MPB outbreak & 2000 Jasper Fire –
Nest density



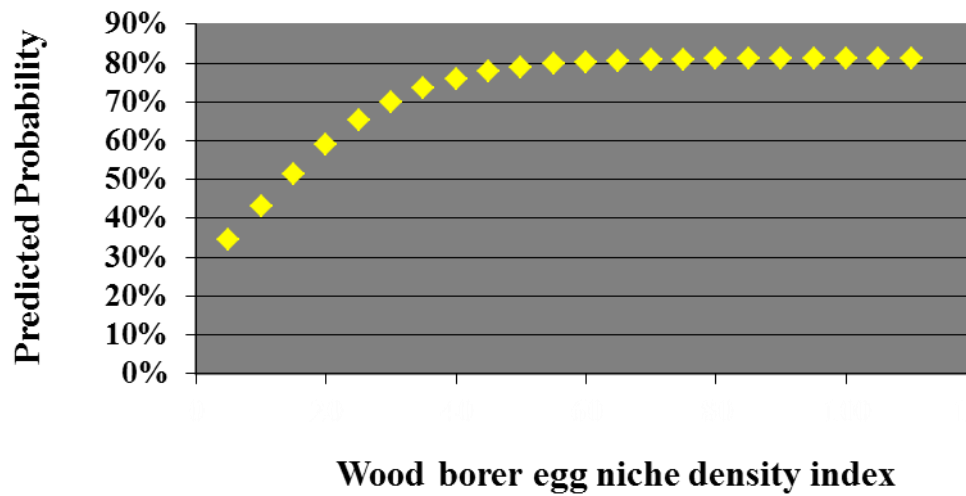
2004 association between BBWPs and MPB infestations
Factors that influence selection of nest sites



**Density of Suitable
Nest Trees**

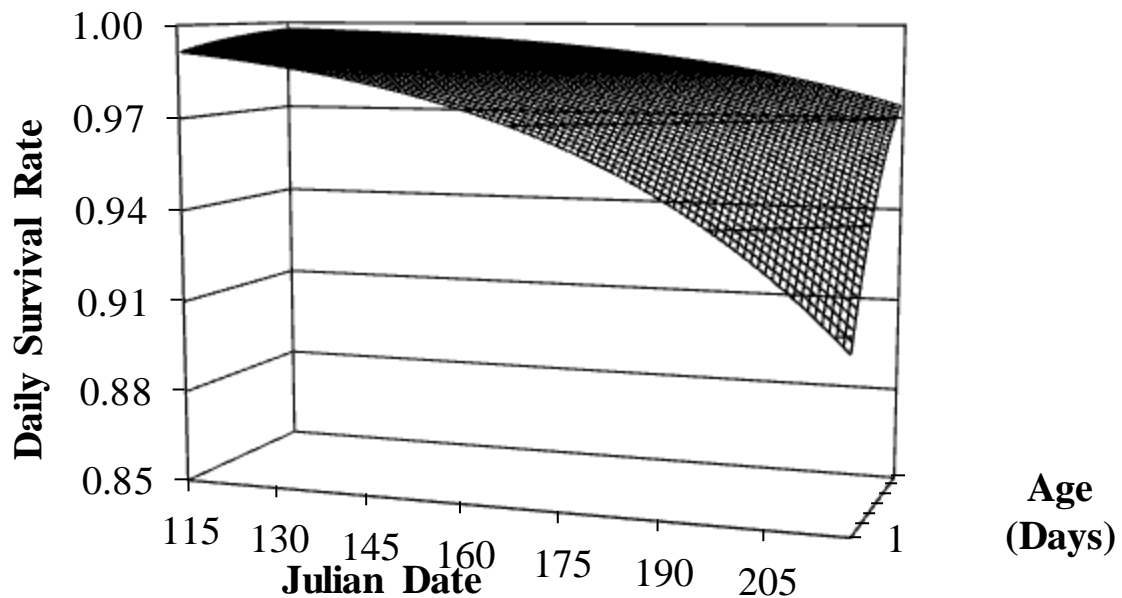


2004 association between BBWPs and MPB infestations
Factors that influence selection of nest site

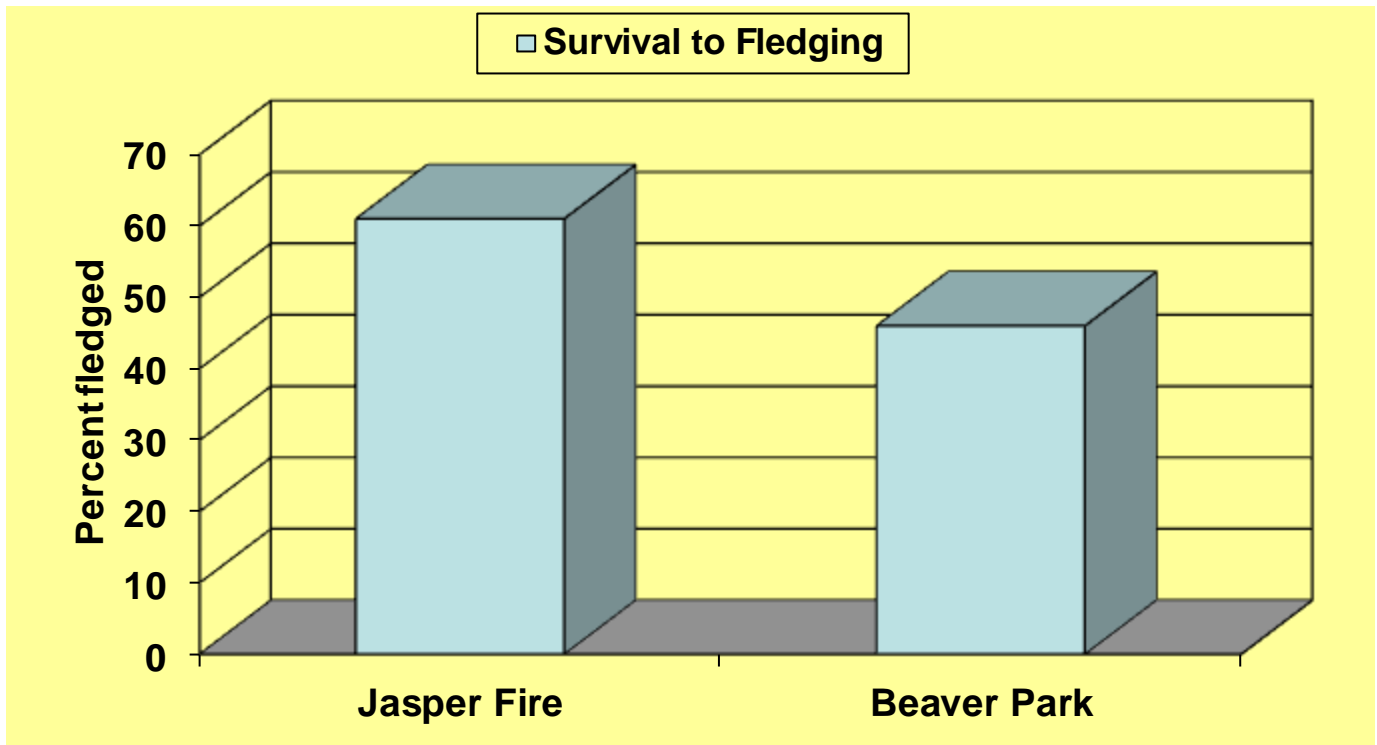


2004 association between BBWPs and MPB infestations
Nest survival

- 2004 nest success 75% ($n = 12$)
- 2005 nest success 47% ($n = 32$)
- 2004 2.0 chicks fledged/pair
- 2005 1.4 chicks fledged/pair

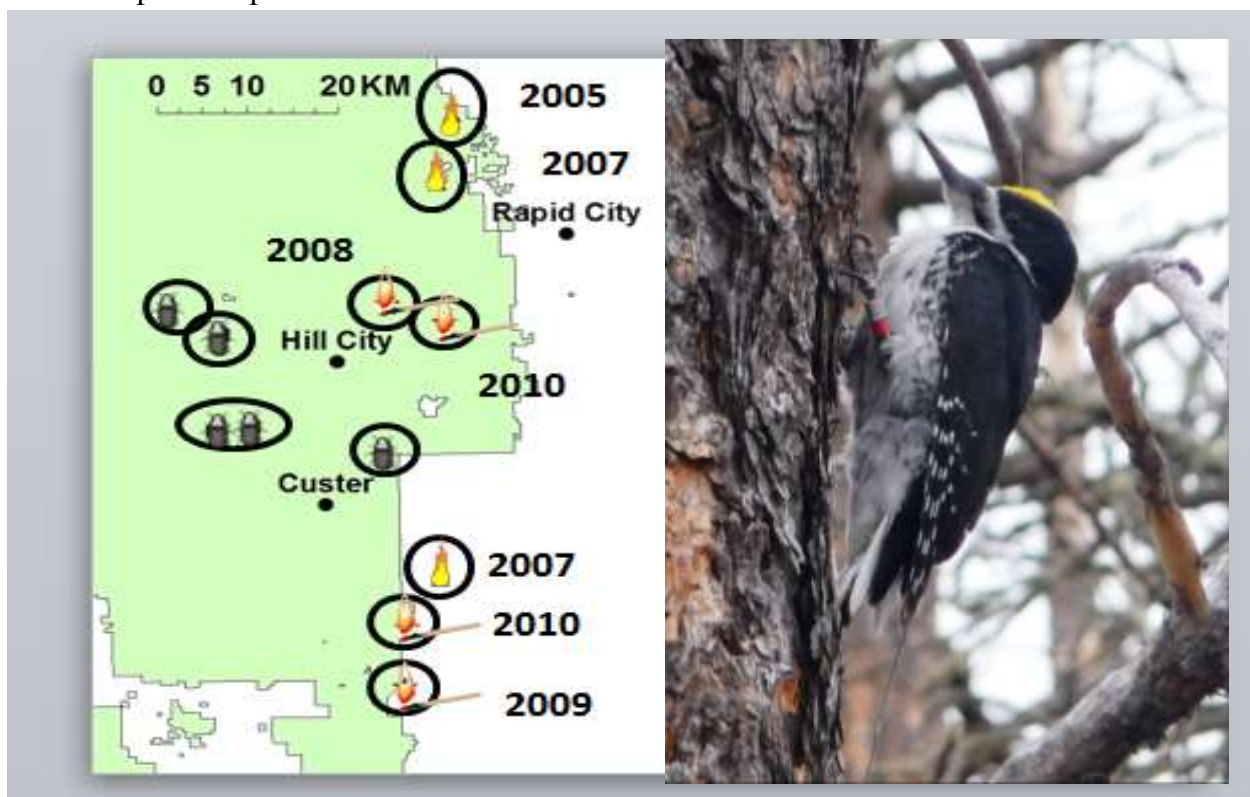


2004 association between BBWPs and MPB infestations
Nest survival

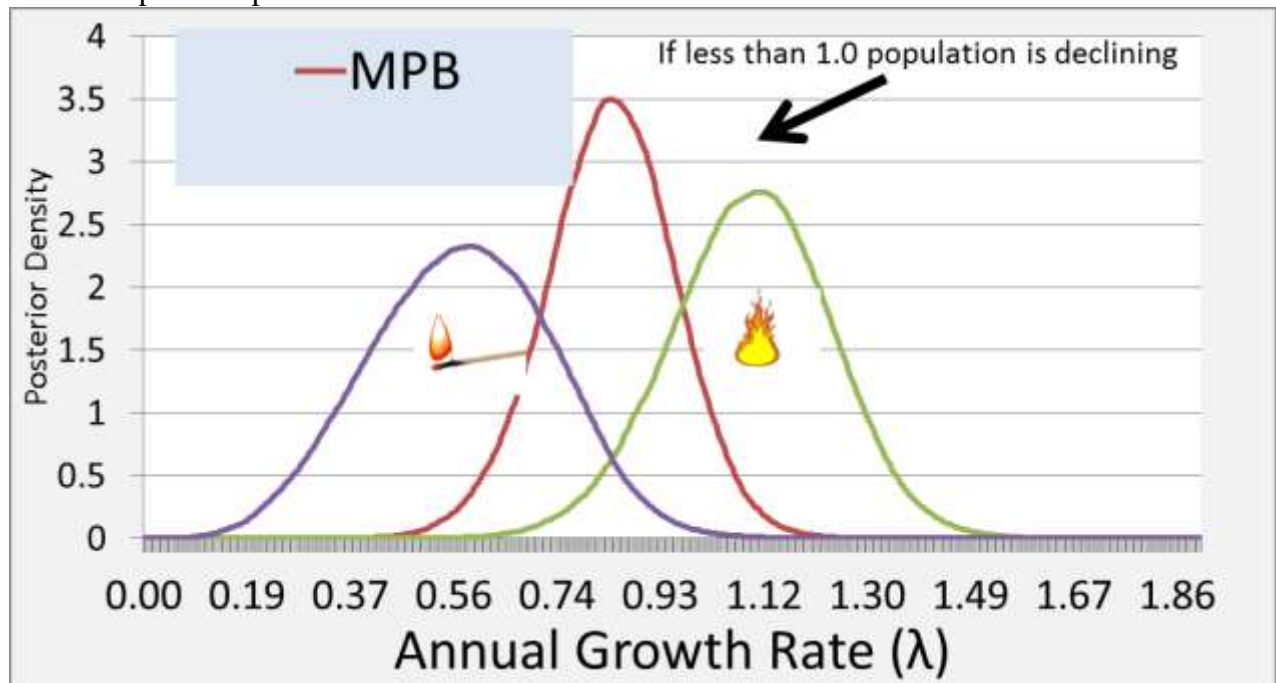


2004-2007 Study of Black-backed woodpecker genetic diversity
Suggested that Black-backed woodpeckers in Black Hills were genetically distinct from other populations.

Box Elder fire, Four-mile fire and MPB
Population parameters

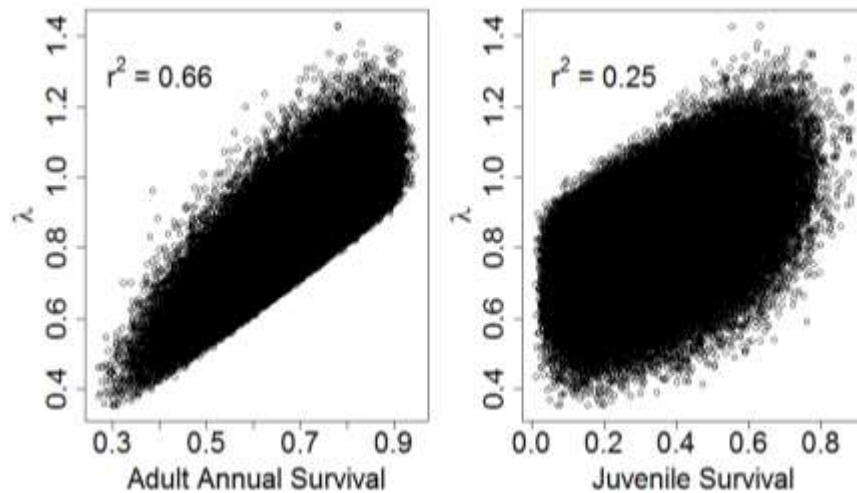


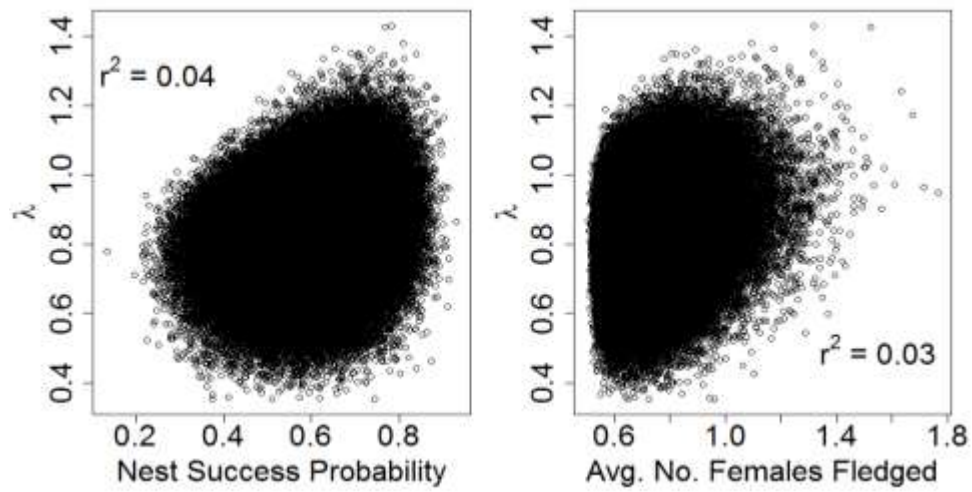
Box Elder fire, Four-mile fire, and MPB
Population parameters



Box Elder fire, Four-mile fire, and MPB
Population parameters

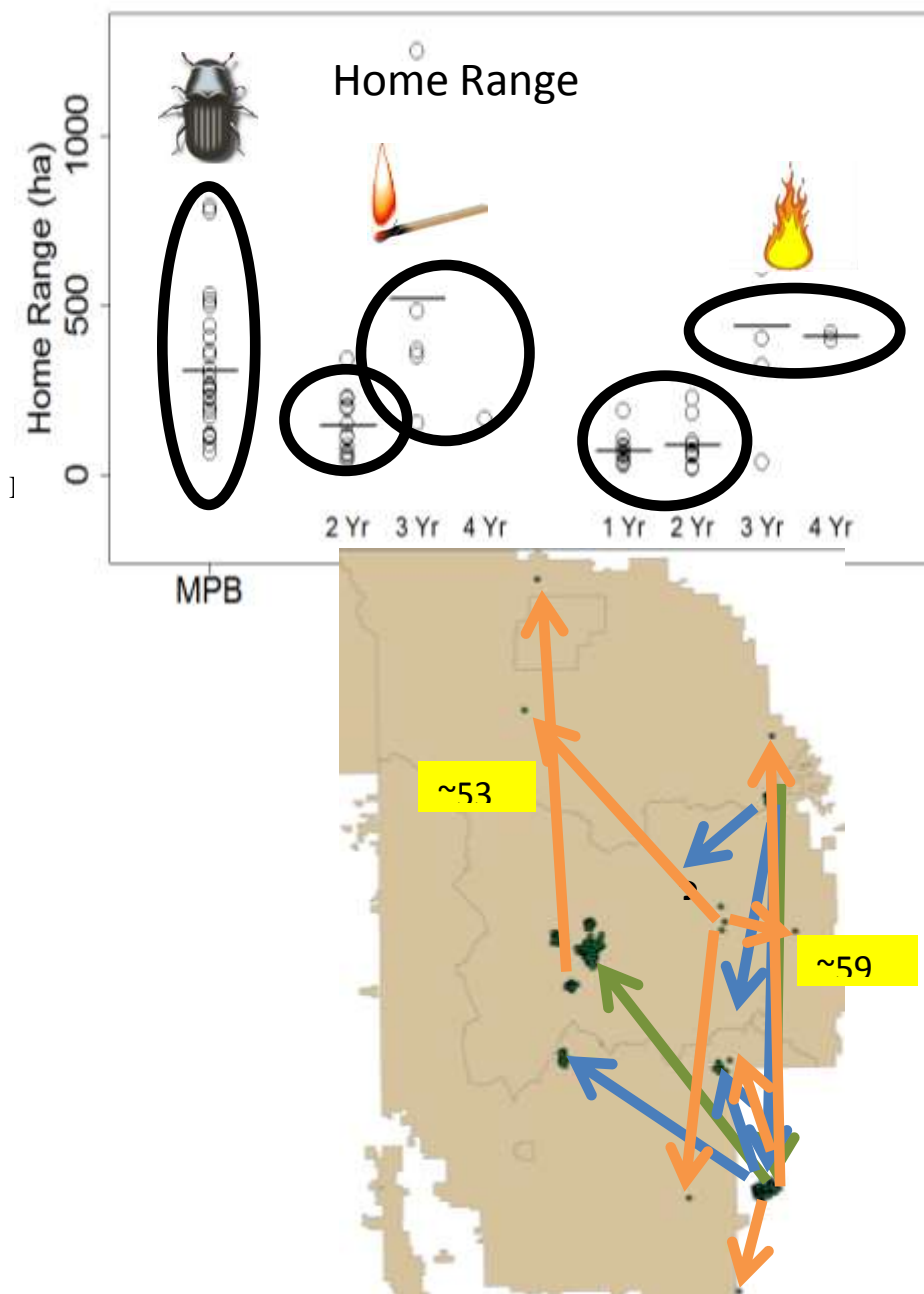
Sensitivity analysis of population growth rates



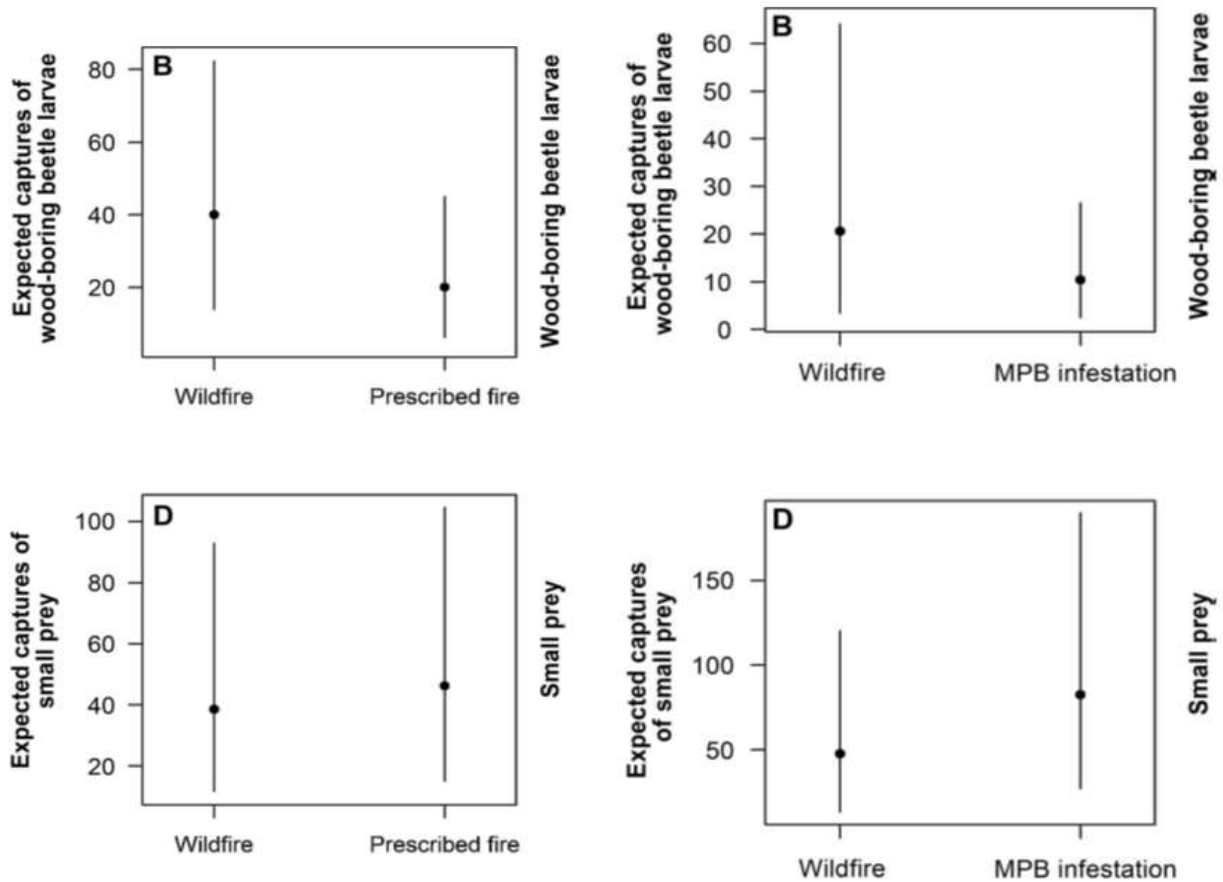


The more linear defined the shape the more, the more important it is to the population estimate.

Box Elder fire, Four-mile fire, and MPB
Spatial use and movements



Foraging efficiency of woodpeckers in wild fires, prescribed fires, and mpbs



woodpeckers		
Estimated density/km ²	0.14	0.10

1. Viable population estimate from the petition ~ 2000 pairs
2. We believe this is a very conservative estimate.
 1. Used a 1500 m buffer to eliminate possible repeat observations in cluster samples and it is likely not all were repeat observations.
 2. Despite eliminating observations from cluster samples, we retained the transects, resulting in lowering of the estimate.

Rumble: Elizabeth Matseur is a Masters student at the University of Missouri.

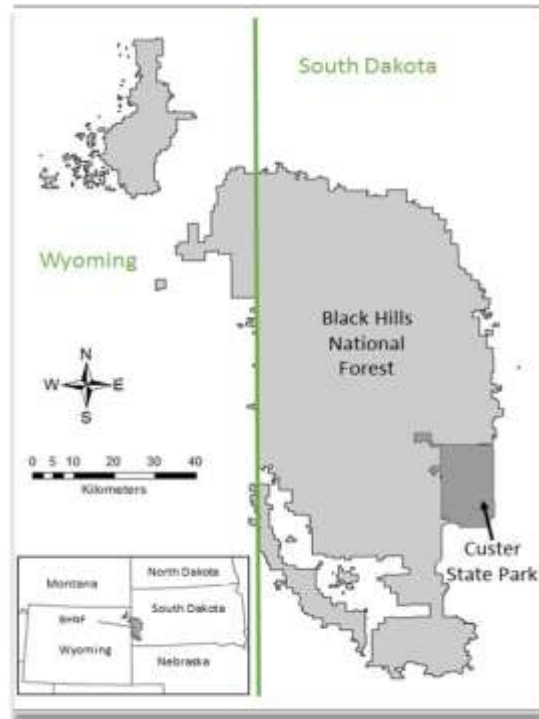
PowerPoint: Population Estimate for Black-backed woodpeckers (*Picoides arcticus*) in the Black Hills of South Dakota and Wyoming ~ Elizabeth Matseur

Black-Backed Woodpecker (*Picoides arcticus*)
 Sensitive Species & Management Indicator Species
 Species of Greatest Conservation Concern
 Species of Greatest Conservation Need

Objectives

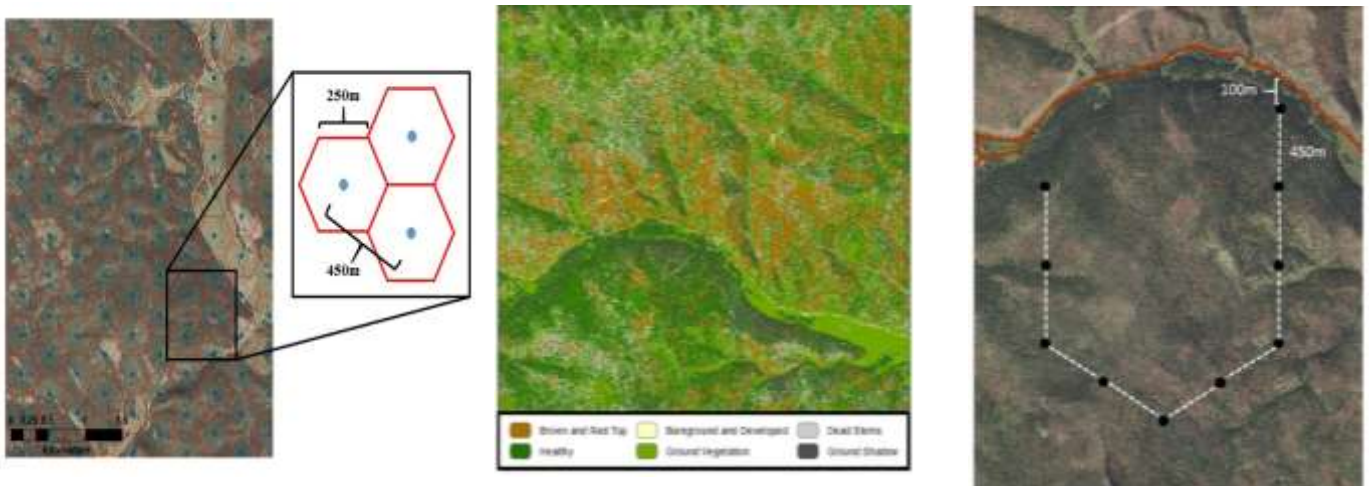
- (1) to determine relationships between environmental and habitat factors and the probability of detection and abundance of Black-backed Woodpeckers,
- and (2) use this information in a hierarchical model to map density and provide a population estimate of Black-backed Woodpeckers for the Black Hills and Bear Lodge Mountains of South Dakota and Wyoming.

Study Area



Methods:

- Sampling Design



- Field Methods
- Analytical Methods
 - Develop a model based off detection probability and abundance
 - Project the model on all the hexagons across the forest
 - Enable us to estimate density and population across the Black Hills and Bear Lodge Mountains

Tysdal: If you are speaking of controlled burns, I assume these birds need a certain size tree to nest in?

Rumble: Research shows that they tend to nest in large trees, 7-8 inch trees. They are capable of excavating a live green tree.

Tysdal: When they do their controlled burns, do they need to have bigger timber in that area?

Rumble: I don't know if they have to. Do they need to have 14-15 in trees? I don't think so. There are quite often trees that range from 6-7 inches up to 14 inches within these larger prescribed fires. Often times the larger trees are not killed in the burn. I've seen them feeding on seedlings, they will pick at a tree that is 1-2 inches. They are foraging in larger diameter trees, therefore if it is dead it will have more.

Brown: What do you mean by the term post fire obligate?

Rumble: That came from a scientist at the University of Montana. Dick Huddle looked at the bird community that is associated with burn habitats across the west. They tabulate where they find these birds. You don't hardly find them anywhere except for in burn habitat because of the food resources that follow that fire. It's not absolute, that's the point that we've learned. If there are food resources out there for the wood, they will find them.

Brenneisen: Do you expect that this research will help with management decisions?

Rumble: The answer is yes, but I'm not sure how. What do we really want to do here? It does have some information that ties back to the viability. How does the forest want to respond following a fire? If you look at Jasper, there are marginal, suitable and random habitats. There were more birds in the areas that weren't salvaged logged. Do you need 85,000 acres of dead trees? If you have a small fire are you going to salvage log it? That's our extent in research is to give them the best information and help them out with their decisions. We will have discussions and I believe they are planning to meet with the Fish and Wildlife service and how this might fit into the population and what we need out there for these birds. We don't really have a say in the management, even though I'm a Forest Service employee, we come into their management process when we are asked to.

Hague: Is there any kind of human influences that are affecting the survivability of the black backed woodpecker?

Rumble: I don't think we have any data that suggests that right now. We trap these birds and mark them, I have a device that looks like a Maglite and it shoots a net over them. They aren't terribly alarmed by people. In the woods, you can get close to them. I don't see a road or

incidental traffic as an alarm. They might not nest right under an ATV trail and they do move their nests around. There is a lot of space out there for them in the Jasper fire area and other areas. I don't think humans would affect them.

Bobzien: Thank you Mark and Elizabeth. This was very timely for us. Part of our responsibility is to manage for viability for species and this helps us to understand more in how we manage. We talk about diversity of habitats. We are seeing frequent needs in fire, prescribed fire and mountain pine beetle. There are some habitat needs being met where these occur for all of our work. Thanks for helping us to better understand needs.

Recreation Facility/Enterprise Team Update ~ Ralph Adam, Dick Brown

Brown: The next item on our regular agenda is the recreation facility update.

Krueger: Craig has asked me to provide an update on where we are at in terms of our recreation facility analysis. Scott Haas told us that we were going to begin this process soon. I want to talk about what that is, and where we are at in the process and projecting out how that information is going to be of use to this particular group. The first piece, our recreation facility analysis is an internal review process where a two part analysis occurs. The first is a database exercise. This would be how many campgrounds, picnic grounds, and any other developed recreation facility there is on the Forest. Mystic has 67 recreation sites, Hell Canyon has 49, Northern Hills has 37 and there are 13 recreation sites on the Bearlodge Ranger District. That gives you a little idea of the scope of this analysis. The analysis database review asks what is the purpose of the facility, what is the condition of the facility, are there deferred maintenance or upgrades, what are the utilization rates, who is using this and what are they using it for? Also it is looking to see if it is a fee use site and how much money is it generating. So the database review is the 1st step and reviewed by an analysis team which is an internal Forest Service group hired by the regional office in conjunction with the district level recreation staff. This is a multi-day process and includes each of the attributes. Mystic was first in line. They completed the database review in early May. Hell Canyon is working on theirs today and Northern Hills is next month. Bearlodge is in June. This first stage is the setting up for the second which is on forest validation or review of the information that is generated in the first stage. There is a mathematical analysis that is used to weigh or review each statistical analysis. These facilities are ranked and validated on the ground. The intent is to provide guidance on how do we use our funds? What ability do we have to support these facilities given our budget and how can we collect fees? Where do we invest our limited resources? On the Forest, this will be completed by the end of this summer and we will present this information to the board with the intent of seeking public involvement in helping us guide our facility investment. Where do we need to be going in the future and where are looking to go? That presentation will likely be in September to the board and public involvement from the board. It's about which campgrounds and trails do we build and maintain. That's an update on where we are and where we are going.

Brown: On our workforce group, this is evolving with more clarity. We would be more involved with the 2nd stage than the 1st. Are there any questions relative to what he is talking about?

Tieszen: The possible actions that could result from this including closures, increasing fees, direction maintenance in certain locations. Are those decisions up to the Forest Supervisor or higher up?

Krueger: There is a larger scope. This is a regional and national effort. It does have wider implications with regards to facility dollars and trails dollars. There is that potential.

Bobzien: If there is capital investment funds, that is competitive. The second, no today, but it could be yes tomorrow.

Brown: Maybe it's not about reducing an allocation for us, but it may enable us to identify areas where other government entities could help, like at Hazelrodt. Would the Supervisor consider that as an option? Are there any other questions?

Tokarczyk: I wanted to commend Steve Kozel, Karl Emanuel and Dave Plummer for the recent public meeting held on the closure at Cook Lake. They laid out pretty completely the situation that is out there. They are looking to close the lake through the summer and working with the Colorado School of Mines (CSM). They want to know what the rate of failure is out there. Hopefully CO SM&T will have results by September 30. That recreation area is really a big deal to a lot of folks there. We live near a road that accesses the lake and I commend the Forest Service for holding that public meeting. I think it's great to keep that dialogue going with the public and I hope a decision can be made within a couple of months of results.

Brown: So it may be October when our working group would need to be involved. I think you will be addressing staffing support as we go through. Are there any other questions?

Carrier: Can our group get together before we get into phase 2? It would be good if our group could get together this summer.

Brown: Jerry or Craig will help coordinate that and we can start running with that.

Motorized Travel/Over Snow Working Group ~ Craig Bobzien

Brown: The next item on our regular agenda is motorized travel and over snow use.

Bobzien: The second topic is regarding the over snow group and recommendations. We had some discussion and we made the move to carry on and include the current motorized, non-motorized and other trail groups. Regarding that, we have a new regulation of subpart c where we need to do an over snow plan for over snow uses. There was not a timeline. When it comes down to recreation, facilities and non-motorized trails, those all come from about the same funding. We had a discussion before this meeting and we don't want the groups operating in the background, but providing advice to the board. What does that mean to other aspects of our recreation? There is a connection here and the recreation facility group. The purpose is that there is good and solid information to look at and looking at what that will enable us to do when you are talking about recreation facilities for the future. We can realize what those cost implementations are. When we come to trails, we have motorized and non-motorized. Bob, Mary, and Dave, thanks for serving on the working group. I'd like to have representatives from South Dakota State and Wyoming State trails involved. When we talk about over snow, it is motorized today, but they both have broader implications. The planning is going to entail having a motorized trail process with construction and maintenance. With the planning, it's coming out of the same money. There is a trade-off. We know sooner or later we need to do the over snow at some point. When we do that, we need to have these recommendations. Both of these will have

information available this coming summer and we will look at recommendations for our Fiscal Year '16 for September. That will enable us to set our goals in '16 for what we want to do in our motorized and non-motorized. If we do planning that will affect what we do there. There are some grants and other things that play into this, but it comes down to an appropriated budget. The advice we need is going to be on the whole. The overview of the intent is that we want to help provide advice so that we can set our '16 priorities in action.

Brown: Any questions? We are at the front end of a new beginning – it will depend to some extent on the timetable for Sept.

Bobzien: Our goal is to have the person in place by our next meeting. I'd like to have a dedicated person to support the working group, but in the mean time we will support the group.

Brown: Any other comments and/or observations by the board?

Public Comments ~ Brown

Brown: We will take this opportunity to hear from the public

Aaron Thompson: I'm the President of Spearfish Livestock Association. In regards to the elk management plan, Mr. Brenneisen, the first number that was plugged into the equation was an estimate of basal area based on mountain pine beetle kill and 12% was the number that was included in the elk management plan. Was 12% a good number to use there? The Forest Service reviewed the plan. Has there been any evidence to suggest that is the evidence of mortality? Secondly, AUMS, if that does come up that is not our policy, but stemming from that conversation, there was some discussion about how cattle are managed. What's the long term trend? We have two animals that are similar on the landscape, livestock vs. wildlife. I fail to see how we can all accept that as the same answer.

Brown: Any other comments?

Ben Wudtke: I'm with the Black Hills Forest Resource Association. It's fascinating to discuss what a threatened species is. The northern long eared bat followed by the black-backed woodpecker. We've seen similar problems come up in other forests. When I came 2 ½ years ago, this wasn't an issue. We now have a threatened species that requires keeping healthy forests in the long term and on the other hand, the other species requires stand replacing fires and this has happened in the south with woodpeckers. It seems that we are finding ourselves on a similar track in this area and it seems that mismanagement would be in its favor. Tony labelled forest management essential for the bat. It will be interesting to see how this is for long term management. On another note, some bats were treated for white-nose syndrome and folks are optimistic.

Sam Griner: I'm here again for the Gold Prospectors of the Black Hills. Mr. Bobzien we have sent you a letter and an e-mail. To my right is the president of the prospectors club. Have you received the e-mail or letter?

Bobzien: We have responded to three letters. You're saying a new letter came in? I have not seen the new letter as I was gone but we are looking at prospector needs.

Griner: This has to do with a road closure.

Brown: Please continue to use the line of communication that you have already established directly with the Forest.

Griner: This is a magazine for gold prospectors of South Dakota. 1/3 of the magazine is dedicated to the Black Hills. It is a travel destination for the Gold Prospectors Association. This goes out to 1.5 million households and it could bring 2-3 million to the Black Hills. Ezra Kine was the first to ever excavate and this is in the magazine along with, Hickok, Jane Calamity, Preacher Smith and Potato Creek Johnny. It goes all over the Black Hills and to lots of other destinations. They want people to visit the Black Hills and enjoy it. It's a real good event and you will have some big names come and enjoy the Black Hills as a destination trip. They are trying to get everyone to come and enjoy the Black Hills. We are going to have a speed panning contest in Keystone. It is run by the Holy Terror and its good promotion.

Brown: That is wonderful that is in the Gold Prospectors of America Magazine. That is great news and we appreciate positive coverage on the Black Hills.

Gary Mallet: I'm the new President of the Black Hills Gold Prospectors. What is the appropriation for the Black Hills National Forest for road closures and is that part of the trail management you just spoke of?

Bobzien: Please get me your name and contact information. The answer is yes, it is part of the family of funds for trails.

Silvia Christen: I'm the Executive Director for the Stock Owner Association. I represent producers up and down the area. We have a number of producers who are concerned about 7,000 elk and we have other concerns about the math. I would echo Mr. Thompson's concerns. Our biggest question is distribution. I think that we might have enough forage but it isn't equally distributed. We have a number of producers having conflicts. The distribution is a major question and I look forward to the response from Mr. Bobzien.

Brown: We have permission to forward Aaron Thompson's letter to the board members and we will have all of the data in one spot.

Kevin Forester: I come with two topics. I'm from Sturgis and I represent a group called Black Hills Trails. I'd like to talk about the analysis. Some of the trails have been in the plan since 1996. There has been no new construction in that period of time. Analysis takes time and our next thing is a new Forest Plan. The maintenance backlog has been addressed very well. We completely rehabbed 10 miles of the Centennial trail. There is a lot of traction for local communities. These non-motorized and motorized trails are connections with communities. My second hat is, I am the Chairman of Resource for the BLM. It's been said that non-motorized trail use has no impact to the Northern Long Eared Bat, so why are we doing an analysis. Why are we not listening to the directives from the Fish and Wildlife Service? It seems like there is no continuity.

ADJOURN

Brown: Are there any more comments? If not, could I have a motion to adjourn? The motion is made by Tieszen and seconded by Gomez, the motion passed unanimously.

The Meeting adjourned at 4:35 p.m. Next Meeting is scheduled for Wednesday, June 17, 2015.